STATE OF SOUTH CAROLINA ) IN THE PROBATE COURT

COUNTY OF CHARLESTON )

) CASE NO.: 2018-GC-10-0000

IN THE MATTER OF )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_, )

an alleged incapacitated person, )

)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_, )

Petitioner, ) **ORDER APPOINTING**

) **TEMPORARY GUARDIAN**

vs. )

)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_, )

Respondents. )

)

Hearing Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 2018

Presiding Judge: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioner's Attorney: \_\_\_\_\_\_\_\_\_\_\_\_\_\_, Esquire

**THIS MATTER** is before the Court upon the *Ex parte* Petitions for Appointment of a Guardian and Conservator, filed on or about \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_, 2017. A hearing on the matter was held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_, 2017. Present at the hearing were \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Upon review of the pleadings, affidavits, and testimony, the Court makes the following preliminary findings of fact and conclusions of law:

1. This Court has jurisdiction over the persons and subject matter of this action, and venue is proper.
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ is an incapacitated person, as defined by S.C. Code Ann. §62-5-101.
3. All parties to this matter have been given sufficient notice of these proceedings and this hearing.
4. No Guardian has been appointed for \_\_\_\_\_\_\_\_\_\_\_\_\_\_.
5. It is necessary to protect the best interests of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ that a Temporary Guardian be appointed to care for (him/her) until a full hearing can be held in this matter as to the issue of a permanent guardian.
6. It appears to be in the best interests of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ that her three (3) daughters, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_, be appointed to serve as co-guardians for their Mother, and that all three (3) daughters consent to their appointment as co-guardians. Furthermore, a unanimous decision by all three (3) co-guardians shall be required with regard to all decisions affecting \_\_\_\_\_\_\_\_\_\_\_\_\_\_’s welfare.
7. In the event there is not a unanimous decision between the three (3) co-guardians with regard to any decision affecting \_\_\_\_\_\_\_\_\_\_\_\_\_\_’s welfare, a private third-party guardian shall be immediately appointed by this Court without further hearing.

**Based on the above findings**, it is hereby ordered as follows:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ is adjudged to be an incapacitated person, as defined by S.C. Code Ann. §62-5-101, whose immediate welfare requires the appointment of a Temporary Guardian;
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ is incapacitated to the extent she cannot exercise the following rights pursuant to S.C. Code Ann. §44-22-80: to dispose of property, real and personal, to execute instruments; to make purchases, to vote in any election, to enter into contractual relationships, to hold a driver’s license, to marry or divorce, or to ship, transport, possess, or receive a firearm or ammunition; moreover, pursuant to S.C. Code Section Ann. 23-21-1040(D), all parties are hereby notified it is unlawful and a felony under state and federal law for \_\_\_\_\_\_\_\_\_\_\_\_\_\_ to ship, transport, possess, or receive a firearm or ammunition;
3. Pursuant to S.C. Code Ann. §62-5-310, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_ are hereby appointed as Temporary Co-Guardians for \_\_\_\_\_\_\_\_\_\_\_\_\_\_, with all the authority of a permanent Guardian, so long as all three (3) co-guardians unanimously agree as to all decisions affecting \_\_\_\_\_\_\_\_\_\_\_\_\_\_’s welfare;
4. In the event there is not a unanimous decision between the three (3) co-guardians with regard to any decision affecting \_\_\_\_\_\_\_\_\_\_\_\_\_\_’s welfare, a private third-party guardian shall be immediately appointed by this Court without further hearing;
5. Pursuant to S.C. Code Ann. §62-5-305, by accepting this appointment as co-guardians, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_, submit personally to the jurisdiction of this Honorable Court in any proceeding related to the guardianship that may be instituted by any interested person;
6. A hearing to review this appointment shall be held within sixty (60) days of this date. A Notice of Hearing will be issued. All interested persons shall be notified of this appointment of temporary co-guardians, and of the upcoming review hearing;
7. This Order is subject to such further Orders of the Probate Court of Charleston County as may be, or shall become necessary for the custody, control, conduct, and administration of the person of the said \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**AND IT IS SO ORDERED!**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Assoc. Judge

County of Charleston

\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2018

Charleston, South Carolina